

REMARKS/ARGUMENTS

The Office Action proffers a statutory double patenting rejection, a Section 102 rejection and Section 103(a) rejections. In light of the amendments above and the arguments below, Applicants respectfully request reconsideration.

Statutory Double Patenting Rejection:

Claims 1 – 9 and 17 – 25 are provisionally rejected under 25 U.S.C. 101 as claiming the same invention as that of claims 1 – 15 of copending Application No. 09/878,797.

Applicants note that the copending application has been abandoned.

Section 102 Rejections:

Claims 26 – 29, 32 and 33 are rejected under 35 U.S.C. 102(b) as being anticipated by Gould et al (U.S. Patent No. 5,587,402). Applicants note that these claims are drafted to exposing tumor cells to immunomodulatory agents comprising the step of exposing the tumor cell to an effective amount of at least one monoterpene or sesquiterpene. Applicants agree that Gould et al disclose regression of the mammalian leukemia cells wherein the cell is exposed to a monoterpene or sesquiterpene. However, the Examiner does not point out how Gould et al discloses exposure to immunomodulatory agents.

Claims 1 – 9 and 17 – 25 are rejected under 35 U.S.C. 102(b) as being anticipated by Miller et al. The Examiner cites Miller et al as disclosing tumor radiosensitization.

Applicants have withdrawn claims 1 – 9. Claims 17 – 25 are drawn to a method of sensitizing tumor cells to chemotherapy comprising exposing the tumor cell to an effective amount of monoterpene or sesquiterpene and treating with an effective chemotherapeutic

agent. These claims are not drawn to radiosensitization. Applicants note that Miller et al does not speak to the subject matter of these claims.

Claims 1 – 9, 17, 18, 20 – 26 and 28 – 33 are rejected under 35 U.S.C. 102(b) as being anticipated by Myers. Claims 1 – 9 are withdrawn. The Examiner cites Myers as disclosing the use of monoterpenes and sesquiterpenes in treatment of cancer. The Office Action summarizes “[t]hus, both Applicant and Myers et al disclose a method of sensitizing tumor cells to radiation...”. Applicants note that the pending claims are not drawn to radiosensitization. Therefore, the application of the Myers reference is not appropriate.

Section 103 Rejections:

Claims 1 – 5, 17 – 21 and 26 – 29 are rejected as being obvious over Myers et al in view of Gould et al. Both of these references have been discussed above. Claims 1 – 9, drawn to radiosensitization have been withdrawn. The pending claims are not drawn to the use of sensitizing tumor cells to radiation and neither Myers nor Gould speak to the sensitization of tumor cells to other chemotherapeutic methods.

Claims 1 – 5, 17 – 21 and 26 – 29 are rejected as being obvious over Miller et al and Gould et al, as discussed above. Similar to Applicants’ statements above, the pending claims are not drawn to methods of sensitizing tumor cells to radiation. Therefore, the cited references are not believed to be appropriate.

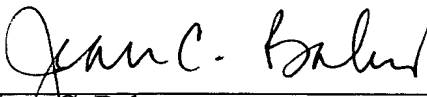
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As the claims are now believed allowable, Applicants respectfully request reconsideration. Applicants have enclosed a Petition and Fee for Two Months Extension to Time. If further fees are necessary, please charge Deposit Account 17-0055.

Respectfully submitted,

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